UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
****
In re:

BROOKLYN EVENTS LLC,
d/b/a VERBOTEN

Debtor.

****

Hearing Date: 11/10/2016
Hearing Time: 2:30 PM

Chapter 11
Case No.: 16-41371 (CEC)

Hon. Carla E. Craig

AMENDED NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the annexed Affirmation of Mark Hudoba, Esq., attorney for Emma Nealon, a motion will be made to this court before the Honorable Carla E. Craig, Judge of the United States Bankruptcy Court, located at 271-C Cadman Plaza East, Brooklyn, NY 11201-1800, on the 10TH day of November, 2016 at 2:30 p.m. or as soon thereafter as counsel can be heard for an Order vacating, pursuant to §362(d), the automatic stay imposed by 11 U.S.C. §362(a) to allow continuance of proceedings solely to recover from insurance coverage, and for such other and further relief as this Court deems just, equitable and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to Local Bankruptcy Rule 9006-1 any answering Affidavits shall be served so as to ensure actual receipt not later than seven (7) days before the hearing date of this Motion.

PLEASE TAKE FURTHER NOTICE, that a hearing shall be held on November 10, 2016 at 2:30 p.m. before the Honorable Carla E. Craig. The moving and objecting parties are required to attend the hearing, and failure to attend in person by counsel may result in relief being granted or denied upon default.

DATED: New York, New York
September 6, 2016

CELLINO & BARNES, P.C.

Mark Hudoba, Esq.
Attorneys for Plaintiff Emma Nealon
420 Lexington Avenue, Suite 2140
New York, NY 0170
(212) 804-7400

TO: William K Harrington, United States Trustee
201 Varick Street, Room 1006
New York, NY 10014
(212) 510-0500

Tarter Krinsky & Drogin, LLP
Counsel for the Debtor and Debtor in Possession
1350 Broadway, 11th Floor
New York, NY 10018
(212) 216-8000

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
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Return Date: 11/10/2016
Hearing Time: 2:30 PM

In re:

BROOKLYN EVENTS LLC,
d/b/a VERBOTEN

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Chapter 11
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Hon. Carla E. Craig

AFFIRMATION IN SUPPORT OF CREDITOR EMMA NEALON'S MOTION TO LIFT STAY

MARK HUDOBA, an attorney duly admitted to practice in the courts of the State of New York and within the Courts of the United States of America, Eastern District of New York, affirms the following under the penalties of purgery:

1. I am an attorney admitted to practice law before the Federal Court for the Eastern District of New York

2. I am a member of Cellino & Barnes P.C, attorneys for the plaintiff, EMMA NEALON, in an action commenced by the plaintiff on June 6th 2016, in the Supreme Court of the State of New York, County of Kings (annexed hereto as Exhibit "A: is a copy of the summons and complaint).

3. On or about the 31st day of March, 2016, BROOKLYN EVENTS LLC, d/b/a VERBOTEN, the above-named debtor, filed a petition under Chapter 11 of the United States Bankruptcy Code.

4. By the provisions of 11 U.S.C. § 362, all persons were enjoined and stayed from commencing or continuing any suit against the debtor.

5. On or about the 6th day of June, 2016, movants commenced a suit against BROOKLYN EVENTS, LLC d/b/a VERBOTEN which was commenced in the

Supreme Court of the State of New York, County of Kings, to recover damages for injuries sustained by the plaintiff EMMA NEALON on the 31st day of July, 2015. This lawsuit is presently pending and bears the Index Number 154737/2016. The defendant has not yet interposed an Answer to Plaintiff's Summons and Complaint in this action.

6. On or about July 31, 2016, the date of plaintiff's accident referred to above, the plaintiff, EMMA NEALON was a lawful patron of the defendant's place of business, VERBOTEN, which is a night club / music venue in Brooklyn, New York. She was seriously injured when she was struck in the face by a stage gate or barrier that was being opened by an employee of the defendant.

7. On July 31, 2015, BROOKLYN EVENTS, LLC d/b/a VERBOTEN maintained a policy of liability insurance with respect to personal injury occurrences at defendant's aforementioned place of business. The insurance policy was with New York Marine and General Insurance Company with claim number LAX-00065814. Said insurance policy has liability limits of $1,000,000 per occurrence.

8. The insolvency or bankruptcy of the debtor, BROOKLYN EVENTS, LLC d/b/a VERBOTEN, does not release New York Marine and General Insurance from payment of damages from injuries sustained during the time of and within the coverage of the aforementioned insurance policy.

9. In the event movant is permitted to pursue the aforementioned State Court suit, they will not pursue a claim in this bankruptcy proceeding and will not pursue the personal assets of the defendant.

10. It is respectfully submitted that this Court grant Emma Nealon's motion to lift the automatic bankruptcy stay to the extent of available insurance coverage

so she can pursue her personal injury action to the extent of available insurance coverage at the time of the accident.

11. Emma Nealon will not be pursuing the personal assets of the debtor.

12. Lifting the automatic bankruptcy stay to allow Emma Nealon to pursue the available insurance coverage of the debtor will not hinder, burden, delay, prejudice nor be inconsistent with the bankruptcy case.

WHEREFORE, movant hereby requests that this Court enter an Order granting relief from the automatic stay imposed by 11 U.S.C. §362 and permit the Movant to proceed in the New York State Supreme Court action and to proceed against the liability insurance coverage of the Debtors, and for such other relief that this Court deems just and proper.

DATED: New York, New York
September 6, 2016

CELLINO & BARNES, P.C.

Mark Hudoba
Attorneys for Plaintiff Emma Nealon
420 Lexington Avenue, Suite 2140
New York, NY 10170
(212) 804-7400

TO: William K Harrington, United States Trustee
201 Varick Street, Room 1006
New York, NY 10014
(212) 510-0500

Tarter Krinsky & Drogin, LLP
Counsel for the Debtor and Debtor in Possession
1350 Broadway, 11th Floor
New York, NY 10018
(212) 216-8000

“A”

DELIVER THESE PAPERS TO YOUR LIABILITY INSURANCE CARRIER IMMEDIATELY. YOUR FAILURE TO DO SO MAY RESULT IN THE LOSS OF COVERAGE.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
****

EMMA NEALON

Plaintiff,

v.

BROOKLYN EVENTS, LLC D/B/A VERBOTEN

Defendant.

****

SUMMONS

Index No.: 154737/2016

Date Filed: 6/6/2016

Plaintiff(s) designate(s) NEW YORK COUNTY as the place of trial.

The basis of venue is:
Plaintiff(s) residence
50 W 34th Street
Apt. 6A8, New York, NY
10001

TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's attorneys an answer to the complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: New York, New York
June 2, 2016

Yours, etc.,

CELLINO & BARNES, P.C.

By: ______________________________
Mark B. Hudoba,
Attorneys for Plaintiff
420 Lexington Avenue, Suite 2140
New York, NY 10170
(800) 888-8888 x581

BROOKLYN EVENTS LLC D/B/A VERBOTEN
60 N 11th Street
Brooklyn, NY 11211

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
****

EMMA NEALON

Plaintiff,

COMPLAINT

v.

BROOKLYN EVENTS, LLC D/B/A VERBOTEN

Index No. 154737/2016

Defendant.

****

Plaintiff EMMA NEALON, above-named, by plaintiff's attorneys, CELLINO & BARNES, P.C., for her complaint against defendant BROOKLYN EVENTS, LLC D/B/A VERBOTEN, above-named, allege upon information and belief:

1. At all times herein relevant plaintiff EMMA NEALON, has been a resident of the County of New York and State of New York.

2. That at all times herein relevant, defendant, BROOKLYN EVENTS, LLC D/B/A VERBOTEN, was a company conducting business in the State of New York.

3. That at all times herein relevant, defendant, BROOKLYN EVENTS, LLC D/B/A VERBOTEN, transacted business within the State of New York and/or contracted anywhere to supply goods or services in the State of New York.

4. That at all times herein relevant, defendant, BROOKLYN EVENTS, LLC D/B/A VERBOTEN, committed a tortious act within the State of New York.

5. That at all times herein relevant, defendant, BROOKLYN EVENTS, LLC D/B/A VERBOTEN, committed a tortious act without the State of New York causing injury to person or property within the State of New York.

6. That at all times herein relevant, defendant, BROOKLYN EVENTS, LLC D/B/A VERBOTEN, owns, uses or possesses any real property situated with the State of New York.

7. That by virtue of the allegations above, defendant, BROOKLYN EVENTS, LLC D/B/A VERBOTEN, is subject to the laws of the State of New York pursuant to CPLR 302.

8. At all times herein relevant, defendant BROOKLYN EVENTS, LLC D/B/A VERBOTEN, has been the owner of a certain premises located at 54 North 11th Street, Brooklyn, New York.

9. That at all times hereinafter mentioned, defendant, BROOKLYN EVENTS, LLC D/B/A VERBOTEN, by its agents, servants and/or employees managed the aforesaid premises.

10. That at all times hereinafter mentioned, defendant, BROOKLYN EVENTS, LLC D/B/A VERBOTEN, by its agents, servants and/or employees maintained the aforesaid premises.

11. That at all times hereinafter mentioned, defendant, BROOKLYN EVENTS, LLC D/B/A VERBOTEN, by its agents, servants and/or employees controlled the aforesaid premises.

12. That at all times hereinafter mentioned, defendant, BROOKLYN EVENTS, LLC D/B/A VERBOTEN, by its agents, servants and/or employees operated the aforesaid premises.

13. That at all times hereinafter mentioned, defendant, BROOKLYN EVENTS, LLC D/B/A VERBOTEN, by its agents, servants and/or employees supervised the aforesaid premises.

14. At all times herein relevant, it was the duty of defendant, BROOKLYN EVENTS, LLC D/B/A VERBOTEN, to maintain the premises mentioned in Paragraph 8 above in a reasonably safe and suitable condition for tenants, business invitees, patrons and guests.

15. On or about July 11, 2015, plaintiff EMMA NEALON, was lawfully within the premises mentioned in Paragraph 8 above.

16. On or about July 11, 2015, plaintiff EMMA NEALON, was caused to be injured on defendant's premises thereby sustaining injuries and damages as hereinafter alleged.

17. Plaintiff EMMA NEALON's injuries and damages referred to herein were caused solely by defendant's negligence by permitting a dangerous condition within said premises the defendant knew, or should have known, existed and continued to exist within said premises and/or by failing to warn plaintiff EMMA NEALON of said dangerous condition.

18. The aforementioned incident occurred solely as a result of defendant's negligence without any negligence attributable in any measure to plaintiff EMMA NEALON.

19. As a result of the negligence of the defendant as alleged above, plaintiff EMMA NEALON was injured and has suffered damages in an amount which exceeds the monetary jurisdictional limits of all lower New York State Courts.

WHEREFORE, plaintiff EMMA NEALON, demands judgment against defendant, BROOKLYN EVENTS, LLC D/B/A VERBOTEN, jointly and severally, in an amount which exceeds the monetary jurisdictional limits of all lower New York State Courts and plaintiff EMMA NEALON, demands such other, further and different relief as the Court may deem just and proper, together with the costs and disbursements of this action.

DATED: New York, New York
June 2, 2016

Yours, etc.,

CELLINO & BARNES, P.C.

By: ______________________

Mark B. Hudoba,
Attorneys for Plaintiff
420 Lexington Avenue, Suite 2140
New York, NY 10170
(800) 888-8888 x581

CASE NO.:16-41371 (CEC)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

EMMA NEALON,

Plaintiff(s),

-against-

BROOKLYN EVENTS, LLC D/B/A VERBOTEN

Defendant(s),

NOTICE OF MOTION

CELLINO & BARNES, P.C.
Attorneys for Plaintiff
Office & Post Office Address, Telephone
420 Lexington Avenue, Suite 2140
New York, New York 10170
(212) 804-7400

Service of a copy of the within is hereby admitted.

Dated: New York, New York
_______________, 2014

PLEASE TAKE NOTICE:

NOTICE OF ENTRY
that the within is a (certified) true copy of an Order
duly entered in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT
that an order of which the within is a true copy will be presented for settlement to the HON. one of the judges of the within named Court, at
on at M.
Dated:

Yours, etc.

CELLINO & BARNES, P.C.
Attorneys for Plaintiff
420 Lexington Avenue, Suite 2140
New York, New York 10170
(212) 804-7400